

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: 5/17/11
START: 12:30pm
END: 12:45pm

DOCKET NO: 10 CV 755

CASE: Lujan v. Cabana Mgt

☐ INITIAL CONFERENCE
☐ DISCOVERY CONFERENCE
☐ SETTLEMENT CONFERENCE

☐ OTHER/ORDER TO SHOW CAUSE
☐ FINAL/PRETRIAL CONFERENCE
☒ TELEPHONE CONFERENCE

FOR PLAINTIFF:

Lloyd Ambinder

FOR DEFENDANT:

Douglas Weiner

☐ DISCOVERY TO BE COMPLETED BY

☐ NEXT ☐ CONFERENCE SCHEDULED FOR

☐ JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY

PL. TO SERVE DEF. BY:

DEF. TO SERVE PL. BY:

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

At defendants' request (DE #98), the Court has reconsidered its ruling of May 10, 2011 (DE #96) and, upon reconsideration, and in light of the ^{new} information now before the Court, the May 10th ruling is vacated and a second round of notice ^{to employees and former employees} will not be authorized. Based on representations made in plaintiffs' letters of May 2 and 3, 2011, the Court had been led to believe that the mailing list produced by defendants had

incorrect addresses for as many as 286 of the 669 listed employees and former employees - or nearly 43%. The Court had also been led to believe that "skip tracing" (using Social Security numbers and telephone numbers) was necessary to locate those individuals. In fact, as it turns out, nearly half of the returns (over 130 mailings) were the result of addressing errors attributable to plaintiffs or their agent (the class administrator). Those errors should have been detected by plaintiffs' counsel before the initial mailing. Had the Court been aware of these facts before ruling on May 10, 2011, it would not have ordered disclosure of phone numbers and Social Security numbers or a second round of mailing ^{and extended deadline for opt-ins.} Therefore, the May 10th ruling is vacated.